

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANNON DONALD SEXTON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Case No. 15-cv-12848
Criminal Case No. 13-cr-20792-02

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

**ORDER DENYING PETITIONER'S APPLICATION FOR CERTIFICATE OF
APPEALABILITY PURSUANT TO 28 U.S.C. § 2253 [62]**

I. INTRODUCTION

Before the Court is Petitioner's Motion for Certificate of Appealability pursuant to 28 U.S.C. § 2253. *See* Dkt. No. 62. However, upon review of the Motion, the Court finds that Petitioner, acting *pro se*, intended to file a Motion for Reconsideration of the Court's prior Order Denying Petitioner's Motion to Vacate, Set Aside or Correct Sentence, and Denying a Certificate of Appealability. *See* Dkt. No. 58. As such, the Court shall treat the pending Motion as a Motion for Reconsideration.

Under this Court's Local Rules, a motion for reconsideration must be filed within 14 days after entry of the judgment or order. E.D. Mich. L. R. 7.1(h)(1). The

original Judgment denying Petitioner's request for a Certificate of Appealability was entered on January 4, 2016. *See* Dkt. No. 59. Petitioner's current Motion was filed on March 7, 2016. *See* Dkt. No. 62. More than 14 days had passed between the entry of the judgment and Petitioner's motion. Accordingly, the Motion is untimely and is **DENIED**.

IT IS SO ORDERED.

Dated: March 10, 2016
Detroit, MI

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge